REMARKS

Claims 1-33 are pending in the present application. Reconsideration of the claims is respectfully requested.

I.   **35 U.S.C. § 103, Obviousness**

The Office Action rejects claims 1-33 under 35 U.S.C. § 103 as being unpatentable over Fader et al. (U.S. Pat. No. 6,519,570) in view of Baldwin et al. (6,310,952). This rejection is respectfully traversed.

As to claims 1-33, the Office Action states:

> As per claims 1, 3, 7-9, and 11 Fader substantially discloses a system/method of conducting a time-auction among queuing customers. A bid is received from one of the queuing customers and compared with the prices being offered by the other customers waiting in line. The queuing showing a user's updated position in the queue due to having bid a higher rate to receive services from the information provider (which is readable as Applicant's claimed invention wherein it is stated that a method of providing service provider information to a client device in a distributed computer system) comprising:
>
> obtaining at least bids from a plurality of service providers (plurality of service providers or bids receive from one of the queuing customers) for providing a service (see., abstract, col 2, lines 36-39, fig 5, col 6, lines 47-64, specifically wherein it is stated that the customer is billed at the highest bid price for the services received from the service provider. Applicant's newly added limitation wherein said plurality of service providers is disclosed in the abstract, specifically wherein it is stated that the system/method allow vendors such as service providers, col 6, lines 47-64, plurality of bids); providing the bids from the plurality of service providers (abstract, col 6, lines 47-64, Applicant's newly added limitation wherein said plurality of service providers is disclosed in the abstract, specifically wherein it is stated that the system/method allow vendors such as service providers, col 6, lines 47-64, plurality of bids).
>
> It is to be noted that Fader fails to explicitly disclose an estimated time (or travel) completion for the service. However, Baldwin discloses a method/system for providing easy access to a service provider that provides service over a communications system. A queue 27 informs a caller of an estimated amount of time before the caller will reach the top of the queue. A set of information includes information such as the name of the caller, the amount of money the caller is willing to pay, or bid, for a queue (see., Baldwin, col 4, lines 33-61). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the time-auction of Fader by including the limitation

detailed above because such modification would provide automated access to service providers based upon an estimated amount of time.

Office Action, dated September 18, 2003. Applicant respectfully disagrees. *Faber* teaches a system and method for conducting a time auction. More particularly, *Faber* teaches a system that enables customers to advance ahead of other waiting customers and receive services from a particular information or service provider ahead of those who are not willing to pay as much for the service. See col. 2, lines 54-57. As stated in *Faber*, "[c]onsumers interested in acquiring services must first identify the service provider who is capable of providing the required services." See col. 1, lines 16-18. In other words, *Faber* is not concerned with identifying a service provider. Rather, *Faber* is concerned with a time auction system and method for consumers who are bidding to gain access to a service provider.

Similarly, *Baldwin* teaches a method and apparatus for providing access to an overly popular service provider. *Baldwin* teaches a queuing system that allows a caller to bid an amount of money to move up in the queue. See col. 2, lines 20-31. *Baldwin* also teaches a user interface system that informs the caller of an estimated amount of time before the caller will reach the top of the queue. See col. 4, lines 41-51. Therefore, just like *Faber*, *Baldwin* is not concerned with identifying a service provider. Rather, *Baldwin* is concerned with a time auction system and method for consumers to bid against each other to gain access to a particular service provider.

In contradistinction, the present invention provides a method, apparatus, and computer program product for providing bids from a plurality of service providers to a client device. Claim 1 recites:

1.   A method of providing service provider information to a client device in a distributed computer system, comprising:
        obtaining bids from a plurality of service providers for providing a service;
        determining an estimated time of completion for the service for each of the plurality of service providers; and
        providing the bids from the plurality of service providers and the estimated time of completion for the service for each of the plurality of service providers to the client device.

Neither *Faber* nor *Baldwin* teaches or suggests "obtaining bids from a plurality of service providers for providing a service," as recited in claim 1. More particularly, *Baldwin* teaches providing an estimated time the customer will be waiting in the queue; however, *Baldwin* does not teach determining an estimated time of **completion** of the service for each of the plurality of service providers. Furthermore, neither *Faber* nor *Baldwin* teaches or suggests providing the **bids** from the **plurality** of service providers **and the estimated time of completion** for each of the plurality of service providers to a client device.

The Office Action states:

> a. "obtaining bids from a plurality of service providers for providing a service". As stated above, Fader discloses this limitation in the abstract, col 2, lines 36-39, fig 5, col 6, lines 47-64, specifically wherein it is stated that the customer is billed at the highest bid price for the services received from the service provider. Applicant's newly added limitation wherein said plurality of service providers is disclosed in the abstract, specifically wherein it is stated that the system/method allow vendors such as service providers, and col 6, lines 47-64, plurality of bids).

Office Action, dated September 18, 2003. Applicant respectfully disagrees. The Abstract of *Faber* states:

> A system and a method of conducting a time-auction among queuing customers is described. A bid is received from one of the queuing customers and compared with the prices being offered by the other customers waiting in line. If the bid is higher than at least one of the prices, the bidding customer is advanced in line ahead of the customer offering the lower price. The system and method provide a mechanism for customers willing to pay more to advance in the queue and to move ahead of those not willing to pay as much. At the same time, the system and method allow vendors such as service providers, for whose good or services customers are willing to wait in line, to maximize the price charged for their services at any given moment.

Faber, Abstract. While a plurality of service providers may be supported, *Faber* does not teach or suggest "obtaining bids from a plurality of service providers for providing a service" and "providing the bids from the plurality of service providers and the estimated time of completion for the service for each of the plurality of service providers to the client device," as recited in claim 1. The cited portion of *Faber* also states:

This bidding process may continue as described
above, with customers offering higher bids and advancing
ahead of one another as a result. When the service provider
becomes available to provide services to the next customer,
a logic unit within the system will establish a real-time
communications connection between the customer
associated with the number-1 position in the queue at that
time. The real-time communications connection may be
established over a telephone network, a computer network,
satellite network, wireless communications network, direct
TV network, or other type of communications network, and
may include an audio connection, video connection, or
other type of voice or data connection. The customer in the
number-1 position at the time the service provider becomes
available, in effect, has won the time auction by offering to
pay the highest price to receive the service provider's
services ahead of all other customers in the queue. The
customer is billed at the highest bid price for the services
received from the service provider.

Faber, col. 6, lines 46-64. Again, *Faber* fails to teach a method for providing service
provider information to a client device in which bids from a plurality of service providers
are obtained and provided to the client device.

Faber and *Baldwin* teach methods and systems for allowing customers to bid
against each other for access to a service provider. This is contrary to the present
invention, which provides a method, apparatus, and program for allowing service
providers to bid against each other based on an estimated time of completion of the
service. The applied references, taken alone or in combination, fail to teach each and
every claim limitation. Therefore, claim 1 is not rendered obvious by the proposed
combination of *Faber* and *Baldwin*.

The Office Action also states:

b. "an estimated time of completion of the service for each of the plurality
of service providers". However, the Examiner respectfully disagrees
because Baldwin discloses a method/system for providing easy access or
third instructions to a service provider that provides service over a
communications system. A queue 27 informs a caller of an estimated
amount of time before the caller will reach the top of the queue. A set of
information includes information such as the name of the caller, the
amount of money the caller is willing to pay, or bid , for a queue (see.,
Baldwin, col 4, lines 33-61, please note that estimated time of completion
is readable as when the queue 27 informs the caller or user of an estimated

amount of time before completing the call or bid. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the time-auction of Fader by including the limitation detailed above because such modification would provide automated access to providers based upon an estimated amount of time.

Office Action, dated September 18, 2003. Applicant respectfully disagrees. As stated in the Office Action, *Baldwin* clearly teaches informing a caller of an estimated amount of time before the caller will reach the top of the queue, which can only be interpreted as an estimated time of a **start** of a service and **not** an estimated time of **completion**. Somehow, the Office Action alleges this is "readable" as an estimated time of completion. However, the only motivation for interpreting the teachings of *Baldwin* in this manner is to reconstruct the present invention using the instant claims as a template. Therefore, Applicant maintains that *Baldwin* does not teach or fairly suggest "providing the bids from the plurality of service providers and the estimated time of completion for the service for each of the plurality of service providers to the client device," as recited in claim 1.

Furthermore, *Baldwin* clearly teaches allowing customers to bid against each other for access to a service provider, rather than allowing a plurality of service providers to bid for the right to provide a service to a single customer, as in the present invention. Therefore, *Baldwin* clearly does not teach or suggest providing the estimated time of completion for the service for each of the plurality of service providers to a client device, as alleged in the Office Action.

Furthermore, the Office Action states:

> d. "Obtaining bids from a plurality of service providers". As stated above, Fader discloses a plurality of service providers or bids receive from one of the queuing customers for providing a service (see., abstract, col 2, lines 36-39, fig 5, col 6, lines 47-64, specifically wherein it is stated that a bid is received from one of the queuing customers and compared with the prices being offered by the other customers waiting in line).

Office Action, dated September 18, 2003. Applicant respectfully disagrees. The Office Action fails to proffer any reasoning as to why receiving bids from a plurality of customers, as taught by *Faber*, is somehow equivalent to obtaining bids from a plurality of service providers, as presently claimed. Applicant maintains that neither *Faber* nor

Baldwin teaches or suggests "obtaining bids from a plurality of service providers for providing a service," as recited in claim 1.

Claims 12 and 23 recite subject matter addressed above with respect to claim 1 and are allowable for the same reasons. Since claims 2-11, 13-22, and 24-33 depend from claims 1, 12, and 23, the same distinctions between *Faber* and *Baldwin* and the invention recited in claims 1, 12, and 23 apply for these claims. Additionally, claims 2-11, 13-22, and 24-33 recite other additional combinations of features not suggested by the reference.

More particularly, claim 3 recites:

3.   The method of claim 1, further comprising:
receiving a selection of a selected service provider from the plurality of service providers and a command to place an order for the service with the selected service provider; and
placing an order with the selected service provider.

Neither *Faber* nor *Baldwin*, taken alone or in combination, teach or suggest providing the bids from the plurality of service providers and receiving a selection of a service provider. As stated above, *Faber* and *Baldwin* start with the premise that the consumer has selected a particular service provider. *Faber* and *Baldwin* are not concerned with selecting a service provider from a plurality of service providers for placing an order.

The Office Action states:

c. "Selection of a service provider". As noted above, Fader discloses in Figs 1 and 2 a plurality of service providers, and therefore, it is obvious to recognize that the selection of a service provider would depend on the availability of the service providers.

Office Action, dated September 18, 2003. Applicant respectfully disagrees. *Faber* teaches directly away from the claimed invention, because Faber teaches a method and system in which customers bid against one another, wherein a highest bid determines which customer receives the service first. There is only one service and, hence, only one service provider being bid upon by a given group of customers in the teachings of *Faber*. Therefore, *Faber* does not teach, suggest, or render obvious a step of "receiving a selection of a selected service provider from the plurality of service providers and a command to place an order for the service with the selected service provider," because it

is the service provider that is selecting from a group of customers in *Faber*, rather than a customer selecting from a plurality of service providers, as in the claimed invention.

Claims 14 and 25 recite subject matter addressed above with respect to claim 3 and are allowable for the same reasons. Since the applied references, taken alone or in combination, fail to teach or suggest each and every claim limitation, claims 3, 14, and 25 are not rendered obvious by the proposed combination of *Faber* and *Baldwin*.

Claim 5 recites:

> 5. The method of claim 1, wherein the each bid further includes an estimated time to perform the service at a location associated with a corresponding service provider.

Neither *Faber* nor *Baldwin*, taken alone or in combination, teach or suggest obtaining bids from a plurality of service providers, wherein each bid includes an estimated time to perform the service at a location associated with a corresponding service provider. These features are not addressed in the Office Action; therefore, the rejection is improper. The Office Action does not establish a *prima facie* case of obviousness for claim 5. Claims 16 and 27 recite subject matter addressed above with respect to claim 5 and are allowable for the same reasons. Since the applied references, taken alone or in combination, fail to teach or suggest each and every claim limitation, claims 5, 16, and 27 are not rendered obvious by the proposed combination of *Faber* and *Baldwin*.

Furthermore, claims 6, 17, and 28 recite obtaining route information from a route determination provider based on a first location associated with the client device and a second location associated with a corresponding service provider. The Office Action fails to address this feature and, thus, fails to establish a *prima facie* case of obviousness for these claims. *Faber* and *Baldwin*, taken alone or in combination, fail to teach or suggest obtaining route information from a route determination provider.

The Office Action states:

> c. "Routing information from a route provider". It is obvious to recognize that the role of a service provider such as service provider 200, Figs 1 and 2 of Faber is to route information from a first location to a second location.

Office Action, dated September 18, 2003. Applicant respectfully disagrees. Even assuming, *arguendo*, that one would recognize that service providers "route" information,

neither of the applied references teaches or suggests obtaining route information from a route determination provider. The applied references fail to teach or suggest each and every claim limitation; therefore, claims 6, 17, and 28 are not rendered obvious by the proposed combination of *Faber* and *Baldwin*.

Still further, claims 7, 18, and 29 recite obtaining historical travel data from a historical database. The Office Action fails to address this feature and, thus, fails to establish a *prima facie* case of obviousness for these claims. *Faber* and *Baldwin*, taken alone or in combination, fail to teach or suggest obtaining historical travel data from a historical database. The applied references fail to teach or suggest each and every claim limitation; therefore, claims 7, 18, and 29 are not rendered obvious by the proposed combination of *Faber* and *Baldwin*.

Therefore, the rejection of claims 1-33 under 35 U.S.C. § 103 is overcome.

II.   Conclusion

It is respectfully urged that the subject application is patentable over the prior art of record and is now in condition for allowance.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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